

Appl. No. 10/688,118
Atty. Docket No. 9066M2
Amendment dated September 21, 2007
Customer No. 27752

Barnholtz is outside the range of what is claimed by the Applicant, but the Office Action argues, absent some objective evidence, then one of skill in the art would have practiced the invention in the claimed range. (Office Action, dated August 31, 2007, p. 9). The Applicant respectfully submits that there is no motivation provided for one of skill in the art to use the claimed range of polymer in any of the cited references. Further, the Applicant submits that one of skill in the art would not expect the claimed levels of polymer to provide the benefit of increase spray-ability. As it is clearly stated in the specification: "It is surprising to find that at these very low concentrations these polymers can significantly improve the air pressure operating window in a spray apparatus." (Specification, p. 15, lines 11-13). Thus, the Applicant submits that the Graham factors lead to the conclusion that the invention, as claimed, is unobvious over what was known in the prior art.

The Applicant respectfully submits that the claims, as presented, are non-obvious under 35 U.S.C. §103(a) over Barnholtz in view of Anderson because there is no teaching, suggestion, or motivation of application of a softening composition to a semi-dry tissue paper as is claimed by the Applicant.

Conclusion


In light of the above remarks, it is requested that the Examiner reconsider and withdraw the rejections under 35 U.S.C. §112, First Paragraph and 35 U.S.C. §103(a). Early and favorable action in the case are respectfully requested.

This response represents an earnest effort to place the application in proper form and to distinguish the invention as now claimed from the applied references. In view of the foregoing, reconsideration of this application, entry of the amendments presented herein, and allowance of Claims 1-2 and 4-14 are respectfully requested.

Respectfully submitted,

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